**REMARKS**

By this Preliminary Amendment, applicant has canceled claims 1-132 and 138-140 solely to reduce the filing fee. Accordingly, claims 133-137 and 141-157 are pending in the subject application.

Applicants point out that the subject application is a divisional application of U.S. Serial No. 09/768,479, filed January 24, 2001, which is pending on November 10, 2003, i.e. copending with the subject application. The subject divisional application has been filed to pursue the subject matter of claims 133-137 and 141-157, which subject matter was not elected in response to a September 5, 2002 restriction requirement in U.S. Serial No. 09/768,479.

Applicants also point out the subject divisional has been filed with a revised specification to account for amendments to the specification of the parent application pursuant to 37 C.F.R. 1.53(b). No new matter has been added by the revised specification.

**INFORMATION DISCLOSURE STATEMENT**

In accordance with their duty of disclosure under 37 C.F.R. §1.56, applicants would like to direct the Examiner's attention to the following documents which are listed on Form PTO-1449 **(Exhibit A)** and are also listed below.

This Information Disclosure Statement is being submitted pursuant to 37 C.F.R. §1.97(b)(3) before the mailing of a first Office Action on the merits. Thus, this Information Disclosure Statement should be entered and considered.

This application is a divisional application of U.S. Serial No. 09/768,479, filed January 24, 2001. Copies of the documents

listed below as items 1-48 have previously been submitted to, or cited by, the U.S. Patent Office in connection with U.S. Serial No. 09/768,479, upon which the subject application relies for an earlier filing date under 35 U.S.C. §120. Therefore, in accordance with 37 C.F.R. §1.98(d), copies of the previously submitted documents are not provided.

1. U.S. Patent No. 5,736,343 (Landry) issued April 7, 1998);

2. U.S. Patent No. 5,468,614 (Fields et al.) issued November 21, 1995;

3. U.S. Patent No. 5,314,817 (Schultz, P.) issued May 24, 1994;

4. U.S. Patent No. 5,194,594 (Kwawli et al.) issued March 16, 1993;

5. PCT International Application Publication No. WO 99/10510 (Natesan et al.) published March 4, 1999;

6. PCT International Application Publication No. WO 99/10508 (Natesan et al.) published March 4, 1999;

7. PCT International Application Publication No. WO 98/13353 (Whitney et al.) published April 2, 1998;

8. PCT International Application Publication No. WO 97/31113 (Rickles et al.) published August 28, 1997;

9. PCT International Application Publication No. WO 96/30540 (Tsien et al.) published October 3, 1999;

10. European Patent Application Publication No. EP 0 742 015

(Kadow et al.), published November 13, 1996;

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36. PCT International Search Report dated July 17, 2003 corresponding to PCT International Application No. PCT/US02/40943;

37. Pollock et al. Demerizer-regulated gene expression. Current Opinion in Biotechnology (2002) 13:459-467;

38. U.S. Patent No. 6,200,759, issued March 13, 2001 to Dove, S., et al.;

39. U.S. Patent No. 5,925,523, issued July 20, 1999 to Dove, S., et al.;

40. U.S. Patent No. 5,928,868, issued July 27, 1999 to Liu, H. et al.;

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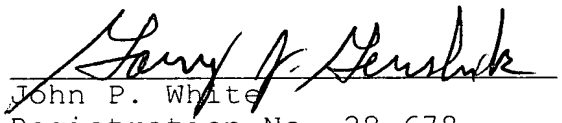
47. U.S. Serial No. 10/084,388, filed February 25, 2002; and

48. U.S. Serial No. 10/132,039, filed April 24, 2002.

Applicants request that the Examiner review the references and make them of record in the subject application.

No fee, other than the enclosed $403.000 application filing fee, is deemed necessary in connection with the filing of this Preliminary Amendment. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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